

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAYMOND E. STAUFFER,

Plaintiff,

v.

BROOKS BROTHERS INC. and
RETAIL BRAND ALLIANCE, INC.

Defendants.

08 Civ. 10369 (SHS)

ECF CASE

NOTICE OF MOTION TO INTERVENE

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the pleadings and all prior proceedings herein, nonparty the United States of America will move this Court before the Honorable Sidney H. Stein, United States District Judge, United States Courthouse, 500 Pearl Street, New York, N.Y., for an order pursuant to Rule 5.1, Rule 24(a) and/or Rule 24(b) of the Federal Rules of Civil Procedure authorizing the United States to intervene in this matter, and for such other relief as is just.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rules 6.1(b), you are required to serve answering affidavits and memoranda, if any, upon the attorney for nonparty the United States of America on or before ten business days following service of the moving papers, and that the reply papers of nonparty the United States, if any, are required to be served on or before five business days after service of the answering papers.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Civil Rule 6.1(c), no oral argument shall be heard unless the Court directs that the matter shall be reargued orally, and

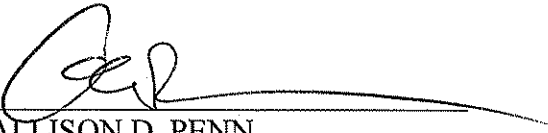
that therefore the matter will be resolved based solely on the papers submitted unless the Court directs otherwise.

PLEASE TAKE FURTHER NOTICE that in the event the Court grants the United States' motion to intervene, the United States respectfully requests five business days from the date the Court grants its motion to file a motion for reconsideration of the Court's decision.

Dated: New York, New York
May 29, 2009

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Southern District of New York,
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